

<sup>1</sup> Objections to the R&R were due within 14 days of the R&R being entered—July 11, 2019.

case at any time . . . .” *See* 28 U.S.C. § 1915(e)(2). As mentioned above, the Magistrate Court conducts this screening under Administrative Order 2013-05 and 28 U.S.C. § 636(b)(1)(B).

The R & R recommends dismissal of the complaint for lack of subject matter jurisdiction and remand to the Shelby County Court of General Sessions. (ECF No. 9 at PageID 38.) In particular, the Magistrate Court recommends: (1) no diversity jurisdiction exists due to lack of complete diversity; (2) no federal-question jurisdiction exists because there is no federal question apparent from the face of the complaint; and (3) supplemental jurisdiction is inappropriate since there is no basis for original jurisdiction. (*Id.*) The Magistrate Court also recommends that Plaintiff’s Motion to Remand be denied as moot.

## **II. Adopting the R & R**

Under Federal Rule of Civil Procedure 72(b)(2), “[w]ithin 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations.” Fed. R. Civ. P. 72(b)(2). The Magistrate Court issued the R & R on June 27, 2019, and, as a matter of course, the District Court Clerk’s Office staff mails a copy to the plaintiff’s physical address on file. Plaintiff and Defendant here did not object to the R & R and the time for filing objections has expired. *See* Fed. R. Civ. P. 5(b)(2), 6(d), 72(b)(2).

“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b) advisory committee’s notes to 1983 amendment. Having reviewed the R & R, the Court finds no clear error and ADOPTS the Report and Recommendation (ECF No. 9) in its entirety.

### **CONCLUSION**

For these Reasons the Court ADOPTS the R & R in its entirety. This case is DISMISSED and REMANDED to the Shelby County Court of General Sessions. And Plaintiff's Motion to Remand is DENIED AS MOOT.

**SO ORDERED**, this 12<sup>th</sup> day of August, 2019.

s/Thomas L. Parker  
\_\_\_\_\_  
THOMAS L. PARKER  
UNITED STATES DISTRICT JUDGE